

**Report on the Financial Impact on Cities and Towns:  
An Act Relative to Minimum Standards for  
Public Bathing Beaches**

*Pursuant to section 3 of the Chapter 248  
of the Acts of 2000*

**December 2000**

**Office of the State Auditor  
Division of Local Mandates  
A. Joseph DeNucci, Auditor**

December 29, 2000

The Honorable Marc R. Pacheco, Senate Chair  
Committee on Natural Resources & Agriculture  
The Honorable Douglas W. Petersen, House Chair  
Committee on Natural Resources & Agriculture  
The Honorable Mark C. Montigny, Senate Chair

***Senate Committee on Ways & Means***

The Honorable Paul R. Haley, House Chair

***House Committee on Ways & Means***

**RE: The Beaches Act: Chapter 248 of the Acts of 2000 – Preliminary Municipal  
Calendar 2001 Incremental Cost Impact Estimate = \$390,000**

Dear Mr. Chairmen:

With the approval of Chapter 248 of the Acts of 2000, Massachusetts joins California, Ohio, and Florida as states that have passed laws enhancing and standardizing beach water quality control procedures. The goal of Chapter 248 is to provide the assurance that all beaches used by the public meet the standards set by Department of Public Health regulations. More importantly, it also requires public notification when swimming is considered unsafe. The law applies to all beaches used by the public. This includes not only publicly owned beaches, but also beaches maintained by hotels, camps, campgrounds, clubs, condominiums, corporations, and associations, among others.

This report presents a comprehensive review of sections 1 and 2 of Chapter 248 of the Acts of 2000, as required by that statute. The report also includes my position, based on the aforementioned review, that the Local Mandate Law requires state assumption of the incremental cost to be imposed on cities and towns by Chapter 248. It also provides a preliminary estimate of the cost of increased testing. We estimate that it will cost \$389,070 to finance the 9 additional water quality tests mandated by Chapter 248 during the 2001 bathing season. This figure is based on our estimate of 585 municipal beaches, and does not include the cost of semi-public beach oversight by boards of health or supplemental tests that may be required by final regulations.

There is no inventory of beaches where the public is invited to swim. However, according to the Department of Environmental Management, there are approximately 3,000 named lakes, ponds, and reservoirs, and over 1,300 miles of marine coastal frontage in Massachusetts. From our review of the available data and literature, it is clear that municipal boards of health will need both financial and technical assistance from state government to identify, monitor, and regulate Massachusetts beaches. We believe that our estimate of 1,859 beaches should be considered a minimum based on preliminary research.

A state investment in establishing a statewide inventory of bathing beaches should soon be offset by federal funds authorized by the Federal Beaches Environmental Assessment and Coastal Health Act of 2000 (P.L. 106-284), which was signed into law on October 10, 2000. This federal law mandates uniform nationwide standards and procedures for all coastal and Great Lake state beach monitoring programs. It also authorizes up to \$30 million per year for state implementation.

I would add, in closing, that apart from the requirements of the Local Mandate Law, I believe that state funding of the incremental cost of implementing Chapter 248 of the Acts of 2000 would help assure that the public health goals set by the state relative to beach water safety are met.

Thank you for your consideration of my preliminary findings and for the opportunity to provide this input, which is intended to ensure effective and timely implementation of the intent of Chapter 248.

Sincerely,

A. JOSEPH DeNUCCI  
Auditor of the Commonwealth

AJD:pd

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**OFFICE OF THE STATE AUDITOR**

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